



**STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

**Aging and Disability Services
Aging and Long-Term Support Administration
PO Box 45600, Olympia, WA 98504-5050**

September 30, 2013

CERTIFIED MAIL 7007 1490 0003 4201 5777

Irene Munyua
Mayers Adult Family Home
10122 Park Avenue South
Tacoma WA 98444

Adult Family Home License #751874

**IMPOSITION OF CIVIL FINE AND
IMPOSITION OF CONDITIONS ON A LICENSE**

Dear Ms. Munyua:

This letter constitutes formal notice of the imposition of a civil fine and the imposition of conditions on the license for your adult family home, located at **10122 Park Avenue South, Tacoma**, by the State of Washington, Department of Social and Health Services, pursuant to the Revised Code of Washington (RCW) 70.128.160 and Washington Administrative Code 388-76-10940.

The civil fine and conditions on a license are based on the following violations of the RCW and/or WAC found by the department in your adult family home. These and other deficiencies are more fully described in the attached Statement of Deficiencies report completed by the department on **September 26, 2013**.

WAC 388-76-10015(1-3) License—Adult family home—Compliance required. \$2,000.00

The licensee failed to demonstrate systems were in place to prevent abuse when resident behaviors of one resident were not managed and resident's negotiated care plan was not implemented. The licensee failed to fulfill her duty to promote the health, safety and well-being of five residents when the negotiated care plans were not reviewed and revised with changes in resident condition for two residents after a resident-to-resident physical assault. Suspected incidents of abuse were not reported to appropriate state agencies as required and the incident log was not maintained to include incidents of verbal resident-to resident assaults. A resident's rights to a safe and planned discharge were not ensured when the resident was discharged without a 30 day notice in compliance with regulations.

WAC 388-76-10220(1)(2) Incident log. **\$500.00**

The licensee failed to ensure an incident log was maintained which logged incidents of resident-to-resident verbal abuse and property damage by one resident. This is a repeat violation of deficiencies cited on December 5, 2011.

WAC 388-76-10340(1)(4)(5) Preliminary service plan. **\$1,000.00**

WAC 388-76-10380(2) Negotiated care plan—Timing of reviews and revisions.

The licensee failed to ensure a preliminary service plan for one resident was developed that included the resident's specific problems and needs as identified in the resident's assessment and identified how the home would meet resident needs. The licensee failed to ensure the negotiated care plans for two residents were reviewed and revised after several documented incidents when a resident yelled and called other residents names. The licensee failed to review and revised a resident's negotiated care plan to direct staff in addressing the resident's behaviors when strategies and interventions identified the plan were not effective in addressing resident-to resident verbal abuse. The negotiated care plan was not reviewed and revised to identify strategies and intervention to protect a resident from further physical abuse after an incident where the resident was hit by another resident. This is a repeat violation of deficiencies cited on April 8, 2011 and December 5, 2011.

WAC 388-76-10365 Negotiated care plan—Implementation—Required. **\$2,000.00**

WAC 388-76-10400(1-3)(a-b) Care and services.

The licensee failed to implement the written negotiated care plan to address a resident's behaviors which included verbal aggression and physical aggression, which resulted in multiple incidents towards the other residents in the home. The licensee failed to ensure one resident received care and services identified in the negotiated care plan when the negotiated care plan identified a resident had a history of verbal abuse but failed to implement the plan during each incident to address "a foreseeable crisis due to resident's assessed needs" when there were repeated incidents where a resident was verbally aggressive to the other residents in the home.

WAC 388-76-10670(1-4) Prevention of abuse. **\$8,000.00**

\$2,000.00 x 4 residents

The licensee failed to ensure residents' rights to be free from verbal abuse when one resident yelled, screamed, cursed at four residents and called them names. The licensee failed to ensure a resident was free from resident-to-resident physical abuse when the resident was hit by a resident in the arm.

WAC 388-76-10673(1)(a)(2)(a) Abuse and neglect reporting—Mandated reporting to department—Required. **\$500.00**

The licensee failed to ensure a system that ensured staff reported incidents of actual or potential abuse of incidents of verbal assaults from on resident towards other residents and one physical abuse of a resident by another resident. Staff, the resident manager and the provider did not report incidents to the department's Complaint Resolution Unit by calling the telephone hotline.

WAC 388-76-10675(1)(2) Adult family home rules and policies related to abuse—
Required. **\$500.00**

The licensee failed to ensure staff followed the home's written policy and procedure on mandatory reporting of abuse by calling the department's Complaint Resolution Unit telephone hotline of incidents of resident-to-resident verbal abuse.

The department has determined that the following conditions shall be placed on your adult family home license:

- *By October 9, 2013, the licensee must have the entity representative, resident manager, all caregivers, volunteers, and other staff in the home current and future complete the online Mandatory Reporter Training located at <http://www.adsa.dshs.wa.gov/APS/training>*
- *By October 11, 2013, the licensee, at own expense, must hire a behavioral consultant, not currently associated with the licensee, to provide onsite training to the entity representative, resident manager, all caregivers, volunteers, and other staff. The topics covered must include an overview of understanding resident behavior management, crisis prevention and intervention, specifically resident to resident altercations that result in abuse. Training must be completed by October 31, 2013.*
- *The licensee must maintain documentation of completion of training in staff files.*
- *By October 18, 2013, the entity representative and resident manager must meet with the District 3, Unit B Field Manager to review the March 2012 Adult Family Home Guidebook to:*
 - *Be in compliance and implement state AFH laws and rules specifically AFH regulations WAC 388-76-10220, WAC 388-76-10670, WAC 388-76-10673, and WAC 388-76-10675.*
 - *Consistently prevent, recognize, report, and protect each resident from all types of abuse, neglect, mistreatment, restraints, involuntary seclusion, abandonment, financial exploitation, and misappropriation of property.*
 - *Recognize key risk factors that may place residents at greater risk for abuse, neglect, and financial exploitation.*

- *Take all prompt and necessary actions to protect residents following allegations of abuse, neglect, and financial exploitation.*
- *Carry out facility and individual staff responsibilities as mandatory reporters.*
- *Report to the department hotline and local law enforcement as required by law.*
- *The licensee must post this Notice of Conditions with the license in a visible location in a common use area.*

The effective date of the conditions on your license is **September 30, 2013**. As provided in RCW 70.128.160, WAC 388-76-10990 (6), the effective date of the conditions on your license will not be postponed pending an administrative hearing or informal dispute resolution review.

You may contest the conditions on your license by requesting an administrative hearing. The Office of Administrative Hearings must receive your written request for a hearing within twenty-eight (28) calendar days following your receipt of this letter. A copy of this letter and a copy of the enclosed Statement of Deficiencies must be included with your request. Send your request to:

Plan of Correction/Attestation

You Must:

Return the plan, on the enclosed report, within 10 calendar days after you receive this letter.

Include the following in your plan for each deficiency:

- The date you have or will correct each deficiency; and
- Provide a signature and date certifying that you have or will take corrective measures to correct each cited deficiency.

Send your plan to:

Dina Longen-Grimes, Field Manager
District 3, Unit B
P.O. Box 45819
MS: N27-24
Olympia WA 98504-5819
(253) 983-3837/ Fax: (253) 589-7240

If no hearing is requested, the fine is due twenty-eight (28) calendar days after receipt of this notice. Please remit a check for **\$14,500.00** payable to the Department of Social and Health Services. The check should be sent to:

DSHS Office of Financial Recovery
PO Box 9501
Olympia, Washington 98507-9501

If payment has not been received within twenty-eight (28) days after receipt of this notice, interest will begin to accrue on the balance at the rate of one percent per month. If you do not submit a hearing request or make payment within twenty-eight (28) days, the balance due the department will be recovered.

As provided in RCW 70.128, you may request an informal dispute resolution review of enforcement actions initiated in response to a Statement of Deficiencies report. During the informal dispute resolution process you also have the right to present written evidence refuting this action. A request for informal dispute resolution review will not change the deadline for you to request an administrative hearing. Informal dispute resolution review by the department is not binding in an administrative hearing.

To request an informal dispute resolution review, send your written request to:

Informal Dispute Resolution Program Manager
Residential Care Services
PO Box 45600
Olympia, Washington 98504-5600
Fax (360)725-3225

The written request should:

- Identify the citation and/or enforcement action that is disputed;
- Explain why the home is disputing the action;
- Indicate the type of dispute resolution process you prefer (direct meeting, telephone conference or documentation review); and
- Be sent within 10 working days of your receipt of this notice.

You may contest the civil fine and the conditions on your license by requesting an administrative hearing. The Office of Administrative Hearings must receive your written request for a hearing within twenty-eight (28) calendar days following receipt of this letter. A copy of this letter and a copy of the enclosed Statement of Deficiencies must be included with your request. Send your request to:

Office of Administrative Hearings
PO Box 42489
Olympia, Washington 98504-2489

Irene Munyua
Mayers Adult Family Home
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If you have any questions, please contact Dina Longen-Grimes at (253)983-3837.

Sincerely,

Lori Melchiori, Ph.D.
Assistant Director
Residential Care Services

Enclosure

cc: Bett Schlemmer, Compliance Specialist
Field Manager, District 3, Unit B
RCS District Administrator, District 3
HCS Regional Administrator, Region 3
DDD Regional Administrator, Region 3
WA LTC Ombuds
Area Agency on Aging, AAA-Pierce
Office of Financial Recovery, Vendor Program Unit
Medicaid Fraud Control Unit
Judi Plesha, HCS
BAM